

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

*In re M&T Bank Corporation ERISA Litigation*

**Civil Action No.: 1:16-cv-375-FPG-JJM**

**Consolidated Action**

**PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT**

PLEASE TAKE NOTICE, that Plaintiffs Jacqueline Allen, Russ Dixon, Sa'ud Habib, Kenneth Sliwinski, J. Marlene Smith, and Beverly Williams (collectively "Plaintiffs") will and hereby do move this Court for an order: (1) preliminarily approving the parties' Class Action Settlement Agreement; (2) approving the proposed Settlement Notices and authorizing distribution of the Notices; (3) certifying the proposed Settlement Class; (4) scheduling a final approval hearing; and (5) granting such other relief as set forth in Plaintiffs' proposed Preliminary Approval Order, submitted herewith. The grounds for this motion are set forth in Plaintiffs' Memorandum in support of the motion.

This motion is made pursuant to Federal Rule of Civil procedure 23(e), and is based on this Notice of Motion, the accompanying Memorandum of Law and authorities cited therein; the Declaration of Kai Richter and exhibits attached thereto, the Declarations of Jacqueline Allen, Russ Dixon, Sa'ud Habib, Kenneth Sliwinski, J. Marlene Smith, and Beverly Williams; and all files, records and proceedings in this matter.

Counsel for Plaintiffs have conferred with counsel for Defendants regarding this motion, and have been advised that Defendants do not oppose this motion.

Dated: December 26, 2019

Respectfully submitted,

By: /s/ Kai Richter

**NICHOLS KASTER, PLLP**

Paul J. Lukas, MN Bar No. 022084X\*

Kai Richter, MN Bar No. 0296545\*

Carl F. Engstrom, MN Bar No. 0396298\*

Jacob Schutz, MN Bar No. 0395648\*

Chloe A. Raimey, MN Bar No. 0398257\*

\*admitted in W.D.N.Y.

4600 IDS Center

80 S 8th Street

Minneapolis, MN 55402

Telephone: 612-256-3200

Facsimile: 612-338-4878

Email: krichter@nka.com

lukas@nka.com  
cengstrom@nka.com  
jschutz@nka.com  
craimey@nka.com

**KESSLER TOPAZ MELTZER & CHECK,  
LLP**

Donna Siegel Moffa (admitted *pro hac vice*)  
Joseph H. Meltzer (admitted *pro hac vice*)  
280 King of Prussia Road  
Radnor, PA 19087  
Tel: (610) 667-7706  
Fax: (610) 667-7056  
Email: dmoffa@ktmc.com  
jmeltzer@ktmc.com

**CAPOZZI ADLER, P.C.**

Mark K. Gyandoh (admitted *pro hac vice*)  
2933 North Front Street  
Harrisburg, PA 17110  
Tel: (717) 233-4101  
Email: mgyandoh@ktmc.com

***Interim Co-Lead Counsel***

**TREVETT CRISTO**

Lucinda Lapoff, Esq.  
2 State Street, Suite 1000  
Rochester, NY 14614  
Tel: (585) 454-2181  
Fax: (585) 454-4026  
Email: clapoff@trevettcristo.com